



PUEBLO OF LAGUNA COURT CIVIL COVER SHEET

This document is CONFIDENTIAL, and shall not be disclosed to the public. The purpose of this document is to assist the Court in keeping accurate records and making sure that we notify the correct parties of upcoming Court hearings.

Because you started this legal action, **you are called the Petitioner(s).** The person(s) that you are bringing the action against **are called the Respondent(s).**

Note: It is important that all information is filled in accurately or to the best of your knowledge. unfilled information only delays the Court process.

PETITIONER:

Name: _____ DOB: ____/____/____ Social Security # ____-____-____

Tribal Affiliation: _____ Enrollment #: _____ Phone# (____) ____-____

Mailing Address: _____

Physical Address: _____

PETITIONER:

Name: _____ DOB: ____/____/____ Social Security # ____-____-____

Tribal Affiliation: _____ Enrollment #: _____ Phone# (____) ____-____

Mailing Address: _____

Physical Address: _____

RESPONDENT:

Name: _____ DOB: ____/____/____ Social Security # ____-____-____

Tribal Affiliation: _____ Enrollment #: _____ Phone# (____) ____-____

Mailing Address: _____

Physical Address: _____

RESPONDENT:

Name: _____ DOB: ____/____/____ Social Security # ____-____-____

Tribal Affiliation: _____ Enrollment #: _____ Phone# (____) ____-____

Mailing Address: _____

Physical Address: _____

INSTRUCTIONS FOR FILING A PETITION TO PROBATE ESTATE AND APPLICATION FOR APPOINTMENT OF PERSONAL REPRESENTATIVE

Prior to filing this Petition you must have the following:

1. Completed and signed Petition to Probate Estate and Application for Appointment of Personal Representative.
2. \$6.00 filing fee by Money Order or Cashier's Check only.
3. Death Certificate

Follow the instructions below on how to complete the Petition.

At the top of the first page write the name of the person who died on the line above the words "Deceased/Decedent." In Court proceedings the person who died is referred to as the Deceased or Decedent.

Write your name on the line above the word "Petitioner." You will be referred to as the Petitioner.

Leave the line "CASE NO. _____" blank. That will be filed in by the Court Clerk.

Write your name again on the line following the word "I, _____."

Question 1: Your relationship to the Decedent. It is not necessary that you be related but it is important for the Court to know.

Question 2: The date of death and where the Decedent died.

Question 3: The State that issued the Death Certificate.

Question 4: The physical address, not mailing address, of the Decedent at the time of his/her death.

Question 5: The tribal/pueblo affiliation and enrollment number of the Decedent.

Question 6: The Laguna Court must know if there is any other legal action in a different court taking place regarding the Estate of the Decedent.

a) Select A, only if there are none to your knowledge

b) Select B, only if there is a legal action taking place or that took place fill in the name of the Court and case number.

Question 7: It is important that the Laguna Court be informed if Village or Village Officials' are involved with the property of the Decedent. If there has been involvement or decisions made, describe what took place and on what date.

Question 8: It is important that the Laguna Court be informed about property that was distributed through custom and tradition. Please describe all property and who received it.

Question 9: List any (if any) of the Decedent's property located outside the Pueblo of Laguna. If so, please describe the property and where it is located.

Question 10: The POL Code for Probate can be reviewed under § 7-7-1 through § 7-7-5 located online on the POL website, <http://lagunapueblo-nsn.gov> on the main page, click on the Law & Order codes under POL Announcements.

(Check all that apply for questions 11-13)

Question 11: Was there a Will? "Yes" (Attach a Copy), if "No" (Go to Question 12).

Question 12: Was there a Surviving Spouse or Parent(s), Child(ren), Brother(s)/Sister(s)

If "No" (Go to Question 13).

Question 13: Check "Yes or No" regarding Spouse: Never married, Surviving Spouse, Predeceased Spouse, was Decedent Divorced. If "No" (Go to Question 14)

Question 14: List names of any predeceased (died prior to the Decedent's death) children, parents, brothers/sisters, if any.

Question 15: List the name of the individual who is going to represent the Decedent's estate.

Question 16: Individual filing petition is responsible for providing the Court with contact information which should include but is not limited to their P.O Box and physical address and phone number(s) for surviving relatives including surviving spouses, child(ren), parent(s), brother(s) and sister(s).

Petitioner needs to sign and print name. provide their phone number and address.

If there are any other questions you need clarified at the time of the filing please ask for assistance at the clerk's office.

**IN THE PUEBLO COURT
PUEBLO OF LAGUNA**

IN THE MATTER OF THE ESTATE OF:

Deceased/Decedent.

Petitioner.

Case No. _____

**PETITION TO PROBATE
ESTATE AND APPLICATION
FOR APPOINTMENT OF
PERSONAL REPRESENTATIVE**

I, _____, (Petitioner), hereby state the following:

1. I am related to the Decedent as follows: _____.
2. The Decedent died on this date: _____ at the age of _____ years, at the following location: _____.
3. I have attached a Death Certificate issued by the State of _____ to this Petition.
4. The following is the physical residence address of the Decedent at the time of death:
_____.
5. The Decedent is an enrolled member of the following Tribe/Pueblo: _____.
Enrollment number: _____.
6. Indicate with an "X" which of the below applies:
 - a. _____ I am not aware of any person being appointed as the Personal Representative, Executor or Administrator of the Estate of the Decedent in this or any other Court or jurisdiction; **OR**
 - b. _____ The following person, _____ has been appointed Personal Representative, Executor, or Administrator of the Estate of the Decedent by the following Court: _____,
Case # _____, _____, _____.

7. Indicate with an "X" which of the below applies:

_____ I am not aware of any Laguna Village or Village Officials reviewing or determining how the property of the Decedent, including a land assignment, should be distributed; **OR**

_____ The following Laguna Village or Village Officials:

_____ have determined or are considering how the property of the Decedent should be distributed. Please describe what action was taken and on what date:

8. The following property has already been distributed through custom and tradition or for other reasons (describe each piece of property and who received it):

9. Is any of the Decedent's property located outside of the Pueblo of Laguna? If so, please identify the property and where it is located:

Property description	Location
_____	_____
_____	_____
_____	_____
_____	_____

10. These proceedings are governed by the Pueblo of Laguna Code (POLC), §§ 7-7-1 through § 7-7-5. These laws can be reviewed online at the Pueblo of Laguna website at <http://lagunapueblo-nsn.gov>.

11. Did the Decedent leave a written will? Please mark with an "X" which applies:
_____ Yes _____ No. (*If there is a will, please attach a copy of the will to this Petition. The Court will determine at a hearing whether it is a valid will*).

12. If the Decedent did not leave a will the Pueblo of Laguna Code, POLC § 7-7-4, instructs the Court to use the following heirship designation to distribute the Decedent's property:
- a. To the surviving spouse, if the deceased was a married person, in its entirety;
 - b. If the deceased left no surviving spouse, to the children of the deceased, share and share alike;
 - c. If the deceased left no surviving spouse or children, then to the father and mother of the deceased, or the survivor of them;
 - d. If the deceased left no surviving spouse, nor surviving children, not surviving parents, then to the brothers and sisters of the decedent, share and share alike;
 - e. In the event deceased left no heirs the assets of the deceased shall escheat (be transferred) to the Pueblo of Laguna.

13. Was the Decedent ever married? If no, skip to Paragraph 14. If yes, please answer the following:

- a. Did the Decedent have a spouse that was alive at the time the Decedent died?

If so, please write the spouse's name: _____.

- b. Did the Decedent have a spouse that predeceased him or her? If so, please write the spouse's name: _____.

- c. Was the Decedent divorced? If so, please write the deceased's prior spouse's name: _____.

14. Please list the names of relatives who predeceased the Decedent (died prior to the Decedent's death). Include children, parents, brothers, and sisters:

Name:	Relationship	Year of Death

15. The Personal Representative of the Estate of the Decedent has the obligation to identify all property and debts of the Decedent, make a proposed distribution of property of the Decedent, submit a written report to the Court, and distribute the property as ordered by the Court. Please write down the name of the person, you are proposing to have named the

Personal Representative of the Estate, including yourself if that is your intention:

Name of proposed Personal Representative:

_____.

16. Contact information for surviving relatives of the Decedent. This should include surviving spouse, children, parents, brothers and sisters. Please complete it as accurately as possible. Attach a sheet of paper with further contact information if necessary.

Name:

Mailing/ Physical Address:

I swear that the information contained in this Petition is true and accurate to the best of my knowledge and belief.

Respectfully Submitted,

Signature

Print Name

Address: _____

Phone #: _____